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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/634,891   | 08/06/2003  | David Botzer         | P-5993-US           | 8928             |
| 27130  | 7590        | 11/16/2004           | EXAMINER            |                  |
| EITAN, PEARL, LATZER & COHEN ZEDEK LLP<br>10 ROCKEFELLER PLAZA, SUITE 1001<br>NEW YORK, NY 10020 |             |                      | LEE, GUIYOUNG       |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             |                      |                     | 2875             |
| DATE MAILED: 11/16/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/634,891             | BOTZER ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Guifyoung Lee          | 2875                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0803.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9-14 and 17 rejected under 35 U.S.C. 102(e) as being anticipated by Woodruff (US 6,758,314 B2).

Re claims 1 and 17: Woodruff discloses a device comprising an electroluminescent wire (110 in Fig. 1), and a casing (120) to house at least a portion of said electroluminescent wire and to allow at least partial extraction of said electroluminescent wire out of said casing and at least partial retraction of said electroluminescent wire into said casing (col. 3, line 13+).

Re claims 2-4: Woodruff discloses a retraction mechanism (112) adapted to retract at least a portion of said electroluminescent wire into said casing and an extension mechanism (112) adapted to extend at least a portion of said electroluminescent wire out of said casing.

Re claim 9: Woodruff discloses that at least one power supply unit (116, 302 and AC output in Fig. 5) adapted to supply power to said electroluminescent wire.

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Re claims 10 and 11: Woodruf discloses that the power supply unit is located within said casing, and the power supply unit is located within a power unit compartment, and wherein said power unit compartment is accessible by a user (See 302 in Fig. 3).

Re claim 12: Woodruf discloses that the power supply is connected to the electroluminescent wire substantially continuously during extension and/or retraction of said electroluminescent wire (col. 4, line 34 +).

Re claim 13: Woodruf discloses that a power switch (114 in Fig. 5) adapted to electrically connect said electroluminescent wire to a power source when in a first state (a first state of illuminating continuously with steady glow) and electrically disconnect said electroluminescent wire from said power source when in a second state (a second state of blinking as a predetermined rate) (col. 4, lines 37-39).

Re claim 14: Woodruf discloses an intensity control unit operatively connected to a power supply unit and adapted to control power delivered from the power supply unit to said electroluminescent wire (col. 5, lines 4-9).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodruf as applied to claim 1 above, and further in view of Tai (US 2004/0032741 A1).

Re claims 5-8: Woodruf does not disclose a flat spring as a retraction mechanism. However, Tai teaches a flat spring (1149 in Fig. 4) for retracting wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodruf's device to include Tai's flat spring in order to provide a convenient means to extend or retract the electroluminescent wire.

Re claims 15-16: Tai discloses a coupler adapted to couple at least a portion of the electroluminescent wire to one or more object at a variable location along the electroluminescent wire (4 in Fig. 7).

5. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodruf as applied to claim 17 above, and further in view of Fernandez (US 6,471,540 B1) and Yates et al. (US 2004/0159039 A1).

Re claim 18-22: Woodruf does not disclose that two electroluminescent wires are connected serially or in parallel to each other. However, Fernandez teaches that two electroluminescent wires are connected in parallel and each one of the electroluminescent wires is connected to the output terminals (See wiring diagram in Fig. 2). Further, Yates teaches that two electroluminescent wires are connected in serial by a snap fitting (130 in Fig. 3 and paragraph 0026). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodruf's electroluminescent wire to connect serially or in parallel to the

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other electroluminescent wire as taught by Fernandez and Yates in order to add or extend one more electroluminescent wire into the device.

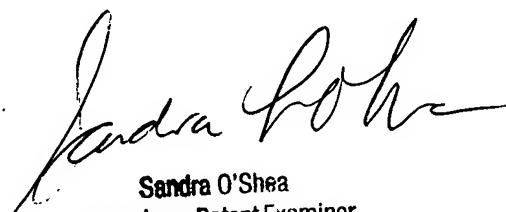
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



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